

1 V. JAMES DESIMONE (SBN: 119668)  
2 CARMEN D. SABATER (SBN: 303546)  
3 RYANN E. HALL (SBN: 306080)  
4 JENICA P. LEONARD (SBN: 245366)  
5 V. JAMES DESIMONE LAW  
6 13160 Mindanao Way Ste. 280  
7 Marina Del Rey, California 90292  
Telephone (310) 693-5561  
vjdesimone@gmail.com  
cds820@gmail.com  
rhall@bohmlaw.com  
jleonard@bohmlaw.com  
VJD000095@gohmlaw.com

8 Attorneys for All Plaintiffs

9 DANA A. SUNTAG, (SBN: 125127)  
10 JOSHUA J. STEVENS, (SBN: 238105)  
HERUM\CRABTREE\SUNTAG, LLP  
11 3757 Pacific Avenue, Suite 222  
Stockton, California 95207  
Telephone: (209) 472-7700  
dsuntag@herumcrabtree.com  
jstevens@herumcrabtree.com

12 Attorneys for All Defendants

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA

15 KAREN SUTHERLAND, et al.

16 Case No.: 2:21-cv-01855-WBS-AC

17 Plaintiffs,

18 vs.

19 CITY OF STOCKTON, et al.

20 Defendants.

21 **STIPULATION AUTHORIZING**  
**ST. JOSEPH'S BEHAVIORAL**  
**HEALTH CENTER AND AKUA**  
**BEHAVIORAL HEALTH, INC., TO**  
**PRODUCE SUBPOENAED**  
**RECORDS;**  
**[PROPOSED] ORDER**

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All parties, through their undersigned counsel of record, stipulate as follows:

## RECITALS

3 A. On October 4, 2021, Plaintiffs filed this lawsuit. Plaintiffs are suing under  
4 42 U.S.C. Section 1983 regarding the death of Shayne Allen Sutherland (“Decedent”).

5 B. Before he died, the Decedent obtained mental health treatment from  
6 St. Joseph's Behavioral Health Center ("SJBHC") and Akua Behavioral Health, Inc.  
7 ("Akua").

8 C. On July 13, 2023, Defendants served SJBHC with a subpoena for the  
9 production of records, a true and correct copy of which is **Exhibit A**.

10 D. SJBHC stated it would produce the subpoenaed records if it were  
11 presented with a court order authorizing the release of the records to the parties.

12 E. On August 24, 2023, Defendants served Akua with a subpoena for the  
13 production of records, a true and correct copy of which is **Exhibit B**.

14 F. On August 24, 2023, Akua stated it would produce the subpoenaed  
15 records if it were presented with a court order authorizing the release of the records to  
16 the parties.

17 G. On August 28, 2023, and September 5, 2023, counsel for the parties met  
18 and conferred via Zoom regarding the two subpoenas. As a result of the meet and  
19 confer, counsel have agreed to ask this Court to issue the order the two subpoenaed  
20 parties asked for.

## STIPULATION

22       1. The parties, by and through their undersigned counsel, respectfully  
23 request the Court issue the order set forth below authorizing each of SJBHC and Akua  
24 to produce the records that are the subject of Defendants' subpoenas.

25 2. SJBHC and Akua shall produce their records to Plaintiffs' counsel.

26           3. Within three court days after Plaintiffs' counsel receive any records, they  
27 shall send an email to defense counsel stating they received records, identifying the

1 party who produced the records, and stating the number of pages.

2       4. Within 14 calendar days of Plaintiffs' counsel's receipt of any records,  
3 Plaintiffs' counsel will electronically provide copies of the records to Defendants'  
4 counsel.

5       5. If Plaintiffs' counsel redact any portion of the records, they shall stamp  
6 each page they redact with a "REDACTED" stamp.

7       6. If Plaintiffs' counsel redact or withhold any records, they shall provide  
8 defense counsel, with the copies of the records, a privilege log describing any withheld  
9 documents or redactions, with sufficient information to enable defense counsel to  
10 evaluate the grounds or withholding or redaction.

11      7. If any disagreement arises on any matter covered by this Stipulation, the  
12 parties will resolve the dispute through Magistrate Judge Claire's informal discovery  
13 resolution process.

14      8. The parties reserve any objections to the admissibility of the records.

15 Respectfully Submitted,

16 Dated: November 3, 2023

HERUM CRABTREE SUNTAG, LLP

17 By: /s/ Joshua J. Stevens  
18 DANA A. SUNTAG  
19 JOSHUA J. STEVENS  
20 Attorneys for all Defendants

21 Dated November 3, 2023

V. JAMES DESIMONE LAW

22 By: /s/ V. James DeSimone  
23 V. JAMES DESIMONE  
24 RYANN E. HALL  
25 JENICA P. LEONARD  
26 Attorneys for all Plaintiffs

## **[PROPOSED] ORDER**

The Court, having considered the parties' stipulation, and good cause appearing, rules as follows: the relief the parties request is GRANTED, as follows:

1. Each of St. Joseph's Behavioral Health Center ("SJBHC") and Akua Behavioral Health, Inc. ("Akua") is authorized to produce to Plaintiffs' counsel, within 14 days of receipt of a copy of this order, the records that are the subject of Defendants' counsel's respective subpoenas.

2. Within three court days after Plaintiffs' counsel receive any records, they shall send an email to defense counsel stating they received records, identifying the party who produced the records, and stating the number of pages.

3. Within 14 calendar days of Plaintiffs' counsel's receipt of any records, Plaintiffs' counsel will electronically provide copies of the records to Defendants' counsel.

4. If Plaintiffs' counsel redact any portion of the records, they shall stamp each page they redact with a "REDACTED" stamp.

5. If Plaintiffs' counsel redact or withhold any records, they shall provide defense counsel, with the copies of the records, a privilege log describing any withheld documents or redactions, with sufficient information to enable defense counsel to evaluate the grounds or withholding or redaction.

6. If any disagreement arises on any matter covered by this Stipulation, the parties will resolve the dispute through Magistrate Judge Claire's informal discovery resolution process.

7. The parties reserve all objections to the admissibility of the records.

# IT IS SO ORDERED.

Dated: November 6, 2023

Allison Claire  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE